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Proposal for guidelines on the scope, administrative provisions and alternative requirements in Regulations annexed to the 1958 Agreement

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Background for the proposal

Main principles of the 1958 Agreement :Articles 1(5), 1(6) and 3

- (a) Mutual recognition:** Type approvals issued according to a UNECE Regulation shall be accepted by all the Contracting Parties to the Regulation.
 - (b) UNECE Regulations as an alternative to national legislation.** The only obligation is to accept ECE type approvals as equivalent to national or regional type approvals.
- With the time these principles have not been always respected
- Recurrent requests for guidance in the GRs on the drafting of scope and administrative provisions



Example of unclear wording (1)

Regulation No. 66:

“1. SCOPE

1.1. This Regulation applies to single-deck rigid or articulated vehicles belonging to categories M2 or M3, Classes II or III or class B having more than 16 passengers.

1.2. *At the request of the manufacturer, this Regulation may also apply to any other M2 or M3 vehicle that is not included in paragraph 1.1.*”

→ What is the scope of the Regulation??

→ Which ECE approvals shall be recognized??

→ All M2 and M3 according to OLA and WP.29



Example of unclear wording (2)

Regulation No. 13-H (ESC/BAS):

- 12.4. As from the... date of entry into force of **Supplement 9** ..., Contracting Parties ... **shall not refuse to grant approval** ... to a vehicle complying with the requirements **as amended by Supplement 9** to the original version of this Regulation.
- 12.3. As from 1 November 2013, Contracting Parties applying this Regulation **may refuse first national registration of a vehicle** which does not meet the requirements of this Regulation as amended by **Supplement 9** and is **not fitted with an Electronic Stability Control System and a Brake Assist System**, both meeting the requirements of Annex 9 to this Regulation.
- The same Contracting Party shall issue UNECE approvals which may be refused for registration in its territory. Where is the mutual recognition principle??



Proposal

Goal: Give guidance to WP.29/GRs on the drafting of scopes and administrative provisions respecting the core principles of the Agreement

Principles:

(a) All UNECE approvals shall be (at least) accepted as an alternative

(b) Administrative provisions shall focus on the mutual recognition of UNECE approvals. The mandatory application of a UNECE Regulation nationally/regionally may not be dealt within this Regulation but within national/regional legislation.

(c) New equipment (i.e. TPMS, BAS, ESC, etc) should be introduced as new Regulations and not as an add-on to an existing Regulation. This principle will avoid options in the Regulations and give flexibility to CP.

Changes to the current guidelines (TRANS/WP.29/1044) : New paragraphs 3 to 14 on the principles of the Agreement, the scope, the administrative provisions and alternative requirements in UNECE Regulations. The section on transitional provisions remains mostly unchanged.



Example of solution focusing on the mutual recognition principle

Regulation No. 66:

“1. SCOPE

1.1. This Regulation applies categories M2 or M3”

OR

1. SCOPE

“1.1. This Regulation applies to single-deck rigid or articulated vehicles belonging to categories M2 or M3, Classes II or III or class B having more than 16 passengers.”

➔ In both cases all the type approvals given to vehicles in the scope shall be recognized by all Contracting Parties applying the Regulation



Example of solution focusing on the mutual recognition principle

Regulation No. 13-H (ESC/BAS):

- Make ESC/BAS requirements mandatory for a braking approval (as in Regulation No. 13 for ESC)**
- Move ESC and/or BAS requirements into (a) new Regulation(s)**



Thank you for your attention

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